

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARCUS KELLEY, #247375,

Plaintiff,

v.

CASE NO. 07-CV-13031
HON. LAWRENCE P. ZATKOFF

JOHN DOE, et al.,

Defendants.

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION

This matter is before the Court upon Plaintiff’s Motion for Reconsideration (Dkt. #10) of the Court’s September 20, 2007, Order summarily dismissing Plaintiff’s Complaint. Plaintiff filed the current motion pursuant to E.D. Mich. LR 7.1(g) on February 1, 2008.

According to E.D. Mich. LR 7.1(g)(1), “[a] motion for ... reconsideration must be filed within 10 days after entry of the judgment or order.” Additionally, “[w]hen the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.” Fed. R. Civ. P. 6(a). The order up for reconsideration was entered on September 20, 2007. Since Plaintiff did not file his Motion for Reconsideration until February 1, 2008, his motion is untimely. Furthermore, the Court finds that Plaintiff has failed to demonstrate a “palpable error by which the court and the parties have been misled” E.D. Mich. LR 7.1(g)(3). Accordingly, Plaintiff’s Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 25, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 25, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290